

AMENDED IN SENATE MAY 26, 2006

AMENDED IN SENATE APRIL 3, 2006

**SENATE BILL**

**No. 1535**

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**Introduced by Senator Kuehl**

February 23, 2006

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An act to amend Sections 104, 710, 710.5, 710.7, 711, 711.2, ~~and 711.4~~ 711.4, 8051, 8053, and 15003 of, to add Sections 106, 703.1, and 8040.1 to, to repeal Sections 208 and 209 of, and to repeal and add Sections 206 and 207 of, the Fish and Game Code, relating to fish and game.

LEGISLATIVE COUNSEL'S DIGEST

SB 1535, as amended, Kuehl. Fish and game.

(1) The California Constitution creates the Fish and Game Commission. Existing law establishes the commission in the Resources Agency to perform specified functions. Existing law permits the commission to employ a secretary, and to hold specified meetings relating to commission regulations as to fish, amphibians, reptiles, mammals, and resident game birds.

This bill would permit the commission to employ a staff, including an executive director, to assist the commission in conducting its operations. The bill would require the commission to adopt and approve a conflict of interest code, and would prohibit a former commissioner to act as an agent or attorney for any person for a period of 12 months after leaving office, as provided. The bill would delete the requirement that the commission hold specified meetings relating to commission regulations as to fish, amphibians, reptiles, mammals, and resident game birds, and instead would require the commission to hold no fewer than 10 regular meetings per calendar year. The bill

would permit the commission to hold special meetings or hearings to receive additional input from the department and the public. The bill would require the commission to consider and adopt specified regulations relating to birds, mammals, fish, amphibia, and reptiles at a series of no fewer than 3 meetings, as provided.

(2) Existing law establishes the Department of Fish and Game in the Resources Agency, administered through the Director of Fish and Game. Existing law requires the department to impose and collect a filing fee to defray the costs of managing and protecting fish and wildlife trust resources, and specifies the amount to be levied. *Existing law exempts from filing fees projects that fulfill specified conditions.* Existing law also makes various findings and declarations relating to lack of department funding, user fees, and funding instability.

This bill would require the department to take all steps necessary to implement the California Comprehensive Wildlife Conservation Strategy, and would require the department to update the strategy every 5 years and report, on or before January 1, 2008, and biennially thereafter, to the Legislature on the progress of implementing the strategy. ~~The~~

*The bill would increase the amounts of filing fees collected by the department, and require the department to adjust the fees annually according to a specified index. The bill would require that a project have no effect on fish and wildlife to be eligible for the fee exemption and would additionally exempt fees for certain otherwise eligible projects undertaken by the department the costs of which are payable from the California Ocean Resource Enhancement Account.* The bill would require the director and the Secretary of the Resources Agency to submit a report relating to all sub-accounts within the Fish and Game Preservation Fund, and require the department to update its cost-allocation plan to reflect the cost of program activities. The bill would require the county clerk of each county and the Office of Planning and Research to maintain an electronic and paper record of all environmental documents received, as provided. The bill would also modify various findings and declarations relating to lack of department funding, user fees, and funding instability, and would make Legislative findings and declarations relating to commercial landing fees and wildlife conservation.

(3) *Existing law regulating commercial fishing imposes, or authorizes the imposition of, various license, permit, and registration fees. Existing law requires specified persons to pay landing taxes*

*quarterly, based on a rate schedule applicable to specified aquatic species.*

*This bill would modify that rate schedule with respect to certain aquatic species, and add and delete certain other aquatic species. The bill would require a report to be submitted with the quarterly landing tax payment reporting the total number of pounds of each species of fish delivered or landed, the average price per pound paid or received for fish landed, and the amount of tax due for each species of fish.*

*(4) Existing law authorizes the department to assess a fee, payable monthly, on persons growing aquaculture products on public lands and in public waters based on the price per pound of the products sold, set to defray the costs of the commission and the department with respect to the regulation of aquaculture.*

*This bill would require the department to assess the fee, to be paid quarterly, set for a species at a rate based on the landing tax rate schedule. The bill would require a report to be submitted with the payment reporting the total number of pounds of each species of fish sold, the average price per pound paid or received for fish sold, and the amount of tax due for each species of fish.*

~~(3)~~

*(5) Existing law generally provides that a violation of regulations and laws relating to fish and game is a crime.*

*Because this bill would create new crimes by prohibiting former commissioners to perform specified functions, and by establishing landing and aquaculture fees for additional aquatic species, the bill would thereby create a state-mandated local program.*

~~(4)~~

*(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.*

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 104 of the Fish and Game Code is  
2 amended to read:

1 104. The commission may employ a staff, including an  
2 executive director, to assist the commission in conducting its  
3 operations, but neither the commission nor its staff shall have or  
4 be given any powers in relation to the administration of the  
5 department.

6 SEC. 2. Section 106 is added to the Fish and Game Code, to  
7 read:

8 106. (a) The commission shall adopt and approve a Conflict  
9 of Interest Code pursuant to Article 3 (commencing with Section  
10 87300) of Chapter 7 of Title 9 of the Government Code.

11 (b) For a period of 12 months after leaving office, a former  
12 commissioner shall be prohibited from acting as an agent or  
13 attorney for, or otherwise representing, any person before the  
14 commission by making any formal or informal appearance  
15 before, or any oral or written communication to, the commission.

16 SEC. 3. Section 206 of the Fish and Game Code is repealed.

17 SEC. 4. Section 206 is added to the Fish and Game Code, to  
18 read:

19 206. (a) The commission shall hold no fewer than ten regular  
20 meetings per calendar year. The commission may also hold  
21 special meetings or hearings to receive additional input from the  
22 department and the public.

23 (b) The commission shall announce the dates and locations of  
24 meetings for the year by January 1st of that year, or 60 days prior  
25 to the first meeting, whichever comes first. Meeting locations  
26 shall be accessible to the public and located throughout the state,  
27 with no more than two regular meetings to be held in Sacramento  
28 per year. To the extent feasible, meetings shall be held in state  
29 facilities. In setting the dates and locations for regular meetings,  
30 the commission shall also consider the following factors:

31 (1) Recommendations of the department.

32 (2) Opening and closing dates of fishing and hunting seasons.

33 (3) The schedules of other state and federal regulatory  
34 agencies whose regulations affect the management of fish and  
35 wildlife of this state.

36 (c) The commission shall cause the notice of the schedule for  
37 regular meetings, and notice of any change in the date and  
38 location of a meeting, to be disseminated to the public in a  
39 manner that will result in broad dissemination, including, but not

1 limited to, electronic distribution, mailings to interested parties,  
2 and publication in local newspapers of affected communities.

3 SEC. 5. Section 207 of the Fish and Game Code is repealed.

4 SEC. 6. Section 207 is added to the Fish and Game Code, to  
5 read:

6 207. (a) Except for emergency regulations, the commission  
7 shall consider and adopt regulations pursuant to Sections 203 and  
8 205 at a series of no fewer than three meetings. These meetings  
9 may be regular or special meetings that are duly noticed to the  
10 public in accordance with subdivision (c) of Section 206 and the  
11 Administrative Procedure Act (*Chapter 3.5 (commencing with*  
12 *Section 11340) of Part 1 of Division 3 of Title 2 of the*  
13 *Government Code*).

14 (b) At the first meeting, the commission shall receive  
15 recommendations for regulations from its own members and  
16 staff, the department, other public agencies, and the public.

17 (c) At the second meeting, the commission shall devote time  
18 for open public discussion of proposed regulations presented at  
19 the first meeting. The department shall participate in this  
20 discussion by reviewing and presenting its findings regarding  
21 each regulation proposed by the public and by responding to  
22 objections raised pertaining to its proposed regulations. After  
23 considering the public discussion, the commission shall  
24 announce, prior to adjournment of the meeting, the regulations it  
25 intends to add, amend, or repeal.

26 (d) At the third meeting, the commission may choose to hear  
27 additional public discussion regarding the regulations it intends  
28 to adopt. At the meeting or within 20 days after the meeting, the  
29 commission shall add, amend, or repeal regulations relating to  
30 any recommendation received at the initial meeting it deems  
31 necessary to preserve, properly utilize, and maintain each species  
32 or subspecies.

33 (e) Within 45 days after adoption, the department shall publish  
34 and distribute regulations adopted pursuant to this section.

35 SEC. 7. Section 208 of the Fish and Game Code is repealed.

36 SEC. 8. Section 209 of the Fish and Game Code is repealed.

37 SEC. 9. Section 703.1 is added to the Fish and Game Code, to  
38 read:

39 703.1. (a) The Legislature finds and declares the following:

1 (1) In 2000, Congress enacted the State Wildlife Grants  
2 Program to support state programs that broadly benefit wildlife  
3 and habitats, particularly species having the greatest need for  
4 conservation.

5 (2) As a requirement of receiving federal funding under this  
6 program, the department agreed to submit a comprehensive  
7 wildlife conservation strategy or a wildlife action plan to the  
8 United States Fish and Wildlife Service.

9 (3) Congress intended that the wildlife conservation strategies  
10 developed by state fish and wildlife agencies guide future  
11 wildlife conservation actions by these state agencies.

12 (4) The department faces increasing responsibilities to  
13 conserve nongame wildlife with limited resources.

14 (5) The California Comprehensive Wildlife Action Plan  
15 provides the department the opportunity to prioritize its nongame  
16 wildlife conservation actions.

17 (b) The department shall take all steps necessary to implement  
18 the California Wildlife Conservation Strategy. This strategy shall  
19 be updated every five years. On or before January 1, 2008, and  
20 on or before January 1 biennially thereafter, the department shall  
21 report to the Legislature on the progress of implementing this  
22 strategy.

23 SEC. 10. Section 710 of the Fish and Game Code is amended  
24 to read:

25 710. The Legislature finds and declares that the department  
26 has in the past not been adequately funded to meet its mandates.  
27 The principal causes have been the fixed nature of the  
28 department's revenues in contrast with the rising costs resulting  
29 from inflation, the increased burden on the department to carry  
30 out its public trust responsibilities, and additional responsibilities  
31 placed on the department by the Legislature. This lack of funding  
32 has prevented proper planning and manpower allocation. The  
33 lack of funding has required the department to restrict warden  
34 enforcement and to defer essential management of lands acquired  
35 for wildlife conservation. The lack of funding for fish and  
36 wildlife conservation activities other than sport and commercial  
37 fishing and hunting activities has resulted in inadequate wildlife  
38 and habitat conservation and wildlife protection programs.

39 SEC. 11. Section 710.5 of the Fish and Game Code is  
40 amended to read:

1     710.5. (a) The Legislature finds and declares that the  
2 department continues to be inadequately funded to meet its  
3 mandates. While revenues have been declining, the department's  
4 responsibilities have increased in order to protect public trust  
5 resources in the face of increasing population and resource  
6 management demands. The department's revenues have been  
7 limited due to a failure to maximize user fees and inadequate  
8 non-fee related funding. The limited department revenues have  
9 resulted in the inability of the department to effectively provide  
10 all of the programs and activities required under this code and to  
11 manage the wildlife resources held in trust by the department for  
12 the people of the state.

13     (b) The Legislature further finds and declares that the  
14 department has been largely supported by fees paid by those who  
15 utilize the resources held in trust by the department. It is the  
16 intent of the Legislature that, to the extent feasible, the  
17 department should continue to be funded by user fees. All fees  
18 collected by the department, including, but not limited to,  
19 recreational hunting and fishing licenses, landing taxes,  
20 commercial licenses, permits and entitlements, and other fees for  
21 use of the resources regulated or managed by the department, are  
22 user fees. To the extent that these fees are appropriated through  
23 the Budget Act for the purposes for which they are collected to  
24 provide services to the people of the State of California, these  
25 user fees are not subject to Article XIII B of the California  
26 Constitution.

27     (c) The Legislature further finds and declares that user fees are  
28 not sufficient to fund all of the department's mandates. To fulfill  
29 its mandates, the department must secure a significant increase in  
30 reliable funding, in addition to user fees.

31     SEC. 12. Section 710.7 of the Fish and Game Code is  
32 amended to read:

33     710.7. (a) The Legislature finds and declares all of the  
34 following:

35     (1) The department continues to face serious funding  
36 instability due to revenue declines from traditional user fees and  
37 taxes and the addition of new and expanded program  
38 responsibilities.

(2) Historically, the recreational and commercial fishing industry has funded much of the department's marine fisheries activities.

(3) As the state's population grows and development changes historic land uses, fish and wildlife continue to be depleted, necessitating a significant portion of the department's activities to be directed toward protecting fish and wildlife for the benefit of the people of the state.

(b) It is the intent of the Legislature to extend the current user-based funding system by allocating a portion of the marine resource protection costs to those who use and benefit from recreational and commercial use of the marine resources.

(c) It is the Legislature's intent that, notwithstanding Section 711, the department shall cooperate with the Legislature, recreational users, conservation organizations, the commercial fishing industry, and other interested parties to identify and propose new alternative sources of revenue to fund the department's necessary marine conservation, restoration, and resources management, and protection responsibilities.

(d) It is further the intent of the Legislature to identify new funding sources and to secure those sources to adequately fund the department's activities directed at protecting and managing wildlife for the people of the state.

SEC. 13. Section 711 of the Fish and Game Code is amended to read:

711. (a) It is the intent of the Legislature to ensure adequate funding from appropriate sources for the department. To this end, the Legislature finds and declares that:

(1) The costs of nongame fish and wildlife programs shall be provided annually in the Budget Act by appropriating money from the General Fund, through non-game user fees, and sources other than the Fish and Game Preservation Fund to the department for these purposes.

(2) The costs of commercial fishing programs shall be provided out of revenues from commercial fishing taxes, license fees, and other revenues, from reimbursements and federal funds received for commercial fishing programs, and other funds appropriated by the Legislature for this purpose.

(3) The costs of hunting and sportfishing programs shall be provided out of hunting and sportfishing revenues and



1 reimbursements and federal funds received for hunting and  
2 sportfishing programs, and other funds appropriated by the  
3 Legislature for this purpose. These revenues, reimbursements,  
4 and federal funds shall not be used to support commercial fishing  
5 programs, free hunting and fishing license programs, or nongame  
6 fish and wildlife programs.

7 (4) The costs of managing lands managed by the department  
8 and the costs of wildlife management programs shall be  
9 supplemented out of revenues in the Native Species Conservation  
10 and Enhancement Account in the Fish and Game Preservation  
11 Fund.

12 (5) Hunting, sportfishing, and sport ocean fishing license fees  
13 shall be adjusted annually to an amount equal to that computed  
14 pursuant to Section 713. However, a substantial increase in the  
15 aggregate of hunting and sportfishing programs shall be reflected  
16 by appropriate amendments to the sections of this code that  
17 establish the base sport license fee levels. The inflationary index  
18 provided in Section 713 may not be used to accommodate a  
19 substantial increase in the aggregate of hunting and sportfishing  
20 programs.

21 (b) The director and the Secretary of the Resources Agency  
22 shall, with the department's annual budget submittal to the  
23 Legislature, submit a report on the fund condition, including the  
24 expenditures and revenue, for all sub-accounts within the Fish  
25 and Game Preservation Fund. The department shall also update  
26 its cost-allocation plan to reflect the costs of program activities.

27 (c) For purposes of this article, "substantial increase" means  
28 an increase in excess of 5 percent of the Fish and Game  
29 Preservation Fund portion of the department's current year  
30 support budget, excluding cost-of-living increases provided for  
31 salaries, staff benefits, and operating expenses.

32 SEC. 14. Section 711.2 of the Fish and Game Code is  
33 amended to read:

34 711.2. (a) For purposes of this code, unless the context  
35 otherwise requires, "wildlife" means and includes all wild  
36 animals, birds, plants, fish, amphibians, and related ecological  
37 communities, including the habitat upon which the wildlife  
38 depends for its continued viability and "project" has the same  
39 meaning as defined in Section 21065 of the Public Resources  
40 Code.

(b) For purposes of this article, “person” includes any individual, firm, association, organization, partnership, business, trust, corporation, limited liability company, company, district, county, city and county, city, town, the state, and any of the agencies of those entities.

SEC. 15. Section 711.4 of the Fish and Game Code is amended to read:

711.4. (a) The department shall impose and collect a filing fee in the amount prescribed in subdivision (d) to defray the costs of managing and protecting fish and wildlife trust resources, including, but not limited to, consulting with other public agencies, reviewing environmental documents, recommending mitigation measures, developing monitoring requirements for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), consulting pursuant to Section 21104.2 of the Public Resources Code, and other activities protecting those trust resources identified in the review pursuant to the California Environmental Quality Act.

(b) The filing fees shall be proportional to the cost incurred by the department and shall be annually reviewed and adjustments recommended to the Legislature in an amount necessary to pay the full costs of department programs as specified. The department shall annually adjust the fees pursuant to Section 713.

(c) (1) All project applicants and public agencies subject to the California Environmental Quality Act shall pay a filing fee for each proposed project, as specified in subdivision (d).

(2) Notwithstanding paragraph (1), no filing fee shall be paid pursuant to this section if all the following conditions exist:

(A) *The project has no effect on fish and wildlife.*

~~(A)~~

(B) The project is being undertaken by the department.

~~(B)~~

(C) The project costs are payable from any of the following sources:

(i) The Public Resources Account in the Cigarette and Tobacco Products Surtax Fund.

(ii) The California Wildlife, Coastal, and Park Land Conservation Fund of 1988.

(iii) The Habitat Conservation Fund.

1 (iv) The Fisheries Restoration Account in the Fish and Game  
2 Preservation Fund.

3 (v) The Commercial Salmon Stamp Account in the Fish and  
4 Game Preservation Fund.

5 (vi) Striped bass stamp funds collected pursuant to Section  
6 7360.

7 (vii) The California Ocean Resource Enhancement Account.

8 ~~(3)–~~

9 (D) The project is implemented through a contract with either  
10 a nonprofit entity or a local government agency. ~~The filing fee~~

11 (3) *Filing fees* shall be paid at the time and in the amount  
12 specified in subdivision (d). Notwithstanding Sections 21080.5  
13 and 21081 of the Public Resources Code, no project shall be  
14 operative, vested, or final, nor shall local government permits for  
15 the project be valid, until the filing fees required pursuant to this  
16 section are paid.

17 (d) The fees shall be in the following amounts:

18 (1) For a project which is statutorily or categorically exempt  
19 from the California Environmental Quality Act, including those  
20 certified regulatory programs which incorporate statutory and  
21 categorical exemptions, no filing fee shall be paid.

22 (2) For a project for which a negative declaration is prepared  
23 pursuant to subdivision (c) of Section 21080 of the Public  
24 Resources Code, the filing fee is one thousand eight hundred  
25 dollars (\$1,800). The filing fee shall be paid to the county clerk  
26 at the time of filing a notice of determination pursuant to Section  
27 21152 of that code or to the Office of Planning and Research at  
28 the time of filing a notice of determination pursuant to Section  
29 21108 of that code, as appropriate.

30 (3) For a project with an environmental impact report prepared  
31 pursuant to the California Environmental Quality Act, the filing  
32 fee is two thousand five hundred dollars (\$2,500). The filing fee  
33 shall be paid to the county clerk at the time of filing a notice of  
34 determination pursuant to Section 21152 of the Public Resources  
35 Code or to the Office of Planning and Research at the time of  
36 filing a notice of determination pursuant to Section 21108 of that  
37 code, as appropriate.

38 (4) For a project that is subject to a certified regulatory  
39 program pursuant to Section 21080.5 of the Public Resources  
40 Code, the filing fee is ~~two thousand five hundred dollars (\$2,500)~~

1 *one thousand two hundred dollars (\$1,200)*. The filing fee shall  
2 be paid to the department prior to the filing of the notice of  
3 determination pursuant to Section 21080.5 of that code.

4 (e) The county clerk may charge a documentary handling fee  
5 of fifty dollars (\$50) per filing in addition to the filing fee  
6 specified in subdivision (d).

7 (1) The county clerk of each county and the Office of Planning  
8 and Research shall maintain a record, both electronic and in  
9 paper, of all environmental documents received. The record shall  
10 include, for each environmental document received, the name of  
11 each applicant or lead agency, the document filing number, the  
12 project name as approved by the lead agency, and the filing date.  
13 The record shall be made available for examination or audit by  
14 authorized personnel of the department during normal business  
15 hours.

16 (2) The filing fee imposed and collected pursuant to  
17 subdivision (d) shall be remitted monthly to the department  
18 within 30 days after the end of each month. The remittance shall  
19 be accompanied with the information required pursuant to  
20 paragraph (1). The amount of fees due shall be reported on forms  
21 prescribed and provided by the department.

22 (3) The department shall assess a penalty of 10 percent of the  
23 amount of fees due for any failure to remit the amount payable  
24 when due. The department may pursue collection of delinquent  
25 fees through the Controller's office pursuant to Section 12419.5  
26 of the Government Code.

27 (f) Notwithstanding Section 12000, failure to pay the fee under  
28 subdivision (d) is not a misdemeanor. All unpaid fees are a  
29 statutory assessment subject to collection under procedures as  
30 provided in the Revenue and Taxation Code.

31 (g) Only one filing fee shall be paid for each project unless the  
32 project is tiered or phased, or separate environmental documents  
33 are required.

34 (h) This section does not preclude or modify the duty of the  
35 department to recommend, require, permit, or engage in  
36 mitigation activities pursuant to the California Environmental  
37 Quality Act.

38 (i) The permit process of the California Coastal Commission,  
39 as certified by the Secretary of the Resources Agency, is exempt  
40 from the payment of the filing fees prescribed by paragraph (5)

1 of subdivision (d) insofar as the permits are issued under any of  
2 the following regulations:

3 (1) Subchapter 4 (commencing with Section 13136) of  
4 Chapter 5 of Division 5.5 of Title 14 of the California Code of  
5 Regulations.

6 (2) Subchapter 1 (commencing with Section 13200),  
7 Subchapter 3 (commencing with Section 13213), Subchapter 3.5  
8 (commencing with Section 13214), Subchapter 4 (commencing  
9 with Section 13215), Subchapter 4.5 (commencing with Section  
10 13238), Subchapter 5 (commencing with Section 13240),  
11 Subchapter 6 (commencing with Section 13250), and Subchapter  
12 8 (commencing with Section 13255) of Chapter 6 of Division 5.5  
13 of Title 14 of the California Code of Regulations.

14 SEC. 16. Section 8040.1 is added to the Fish and Game Code,  
15 to read:

16 8040.1. The Legislature finds and declares all of the  
17 following:

18 (a) It is the policy of the state to manage California's living  
19 marine resources, including its commercial fisheries, for the  
20 benefit of all of the citizens of the state.

21 (b) The current schedule for assessing ~~landings~~ *landing* fees  
22 from the commercial fishing industry has not been substantially  
23 revised since 1987, does not reflect the value of fish landed, and  
24 in most years the fees collected do not cover department costs  
25 associated with the management of commercial fisheries.

26 (c) In order to cover these costs, the department has had to  
27 increase fees for permits and stamps and borrow from other  
28 funds. Insufficient revenue has prevented the department from  
29 implementing the laws of the state, including the Marine Life  
30 Management Act.

31 ~~(d) The states of Oregon and Washington, among others,~~  
32 ~~determine commercial fish landing fees on an ad valorem basis~~  
33 ~~that more equitably and accurately reflects the value of the~~  
34 ~~fishery and provides an appropriate return to the citizens of the~~  
35 ~~state for the use of a public resource. California's adoption of an~~  
36 ~~ad valorem system would help to establish consistency among~~  
37 ~~the Pacific coastal states, and provide the state with revenue~~  
38 ~~necessary for the management of commercial fisheries.~~

39 ~~(e) It is therefore the intent of the Legislature to revise the~~  
40 ~~schedule of commercial landing fees so that fees may be~~

collected in a more equitable manner, in accordance with the value of the fisheries, that provides for the sustainable management of California's living marine resources.

SEC. 17. Section 8051 of the Fish and Game Code is amended to read:

8051. (a) The landing tax imposed pursuant to Section 8041 shall be determined pursuant to Section 8042 by using the tax rates in the following schedule:

	Rate per pound
(1) All fish, except as otherwise specified in this section.....	<del>\$0.0013</del> \$0.0015
(2) Mollusks and crustaceans, excluding squid and crab.....	.0125
(3) Crab.....	<del>.0019</del> .005
(4) Squid.....	<del>.0019</del> .0063
(5) Salmon, based only on the weight in the round.....	.0500
(6) Lobster.....	.0125
(7) Abalone.....	.0125
(8) Anchovies.....	<del>.0013</del> .0063
(9) Sardines.....	.0063
(10) Mackerel.....	<del>.0013</del> .0063
(11) Halibut.....	.0125
<del>(12) Angel shark, based only on the weight in the round.....</del>	<del>.0113</del>
(12) Albacore tuna.....	.005
(13) Swordfish, based only on the weight in the round.....	.0125
(14) Thresher shark, based only on the weight in the round.....	.0113
(15) Bonito shark, based only on the weight in the round.....	.0113
(16) Herring.....	.0125

1		Rate per
2		pound
3	(17) Sea urchin.....	<del>.0013</del>
4		.005
5	(18) Rockfish (genus <i>Sebastes</i> ).....	.0125
6	<del>(18)</del>	
7	(19) The following fish:.....	.0125
8	Barracuda	
9	Flying fish	
10	Frogs	
11	Giant sea bass	
12	<del>Saltwater worms</del>	
13	California Sheephead	
14	Cabazon	
15	Giant sea bass	
16	Kelp greenling	
17	Lingcod	
18	Monkeyface prickleback	
19	Rock greenling	
20	Scorpionfish	
21	White sea bass	
22	Yellowtail	

23

24 ~~(b) This section shall become operative on January 1, 1994.~~

25 SEC. 18. Section 8053 of the Fish and Game Code is

26 amended to read:

27 8053. (a) Landing taxes imposed by this article shall be paid

28 quarterly to the department within 30 days after the close of each

29 quarter.

30 If

31 (b) A report shall be submitted with the tax payment reporting

32 the total number of pounds of each species of fish delivered or

33 landed, the average price per pound paid or received for fish

34 landed, and the amount of tax due for each species of fish.

35 (c) If any landing tax is not paid within 30 days after the close

36 of the quarter for which it is due, the department shall collect

37 amounts owing under the procedures prescribed for sales and use

38 taxes provided in Chapter 5 (commencing with Section 6451)

39 and Chapter 6 (commencing with Section 6701) of Part 1 of

40 Division 2 of the Revenue and Taxation Code, insofar as they

1 may be applicable, and for those purposes, “board” means the  
2 department and “the date on which the tax became due and  
3 payable” means that date 30 days after the close of the quarter for  
4 which it is due.

5 *(d) A person required to pay landing taxes pursuant to Section*  
6 *8041 shall not be liable for, nor be required to pay, landing taxes*  
7 *for any fish or portions thereof that are removed from the*  
8 *premises of that person by the department for the purposes of*  
9 *scientific research or to be used as evidence regarding a*  
10 *violation of law.*

11 *SEC. 19. Section 15003 of the Fish and Game Code is*  
12 *amended to read:*

13 15003. (a) The department ~~may~~ *shall* assess a fee on persons  
14 growing aquaculture products on public lands and in public  
15 waters based on the price per pound of the products sold. ~~The~~  
16 ~~fees, if imposed, shall be set at amounts necessary to defray the~~  
17 ~~costs of the commission and the department in administering this~~  
18 ~~division. However, the fees if any, may not exceed the tax rates~~  
19 ~~as provided in Section 8051. The fee shall be set for a species at~~  
20 ~~the same rate for that species as determined pursuant to Section~~  
21 ~~8042.~~

22 (b) The price per pound for these taxation purposes shall be  
23 based on the whole product weight or its equivalent as taken by  
24 the lessee.

25 (c) The privilege tax imposed by this section shall be paid  
26 ~~monthly to the department within 30 days after the close of each~~  
27 ~~month~~ *quarterly. A report shall be submitted with the payment*  
28 *reporting the total number of pounds of each species of fish sold,*  
29 *the average price per pound paid or received for fish sold, and*  
30 *the amount of tax due for each species of fish. If not paid within*  
31 ~~60 days after the close of the month in which it is due date,~~ a 10  
32 percent penalty shall be paid.

33 ~~SEC. 17.~~

34 *SEC. 20.* No reimbursement is required by this act pursuant to  
35 Section 6 of Article XIII B of the California Constitution because  
36 the only costs that may be incurred by a local agency or school  
37 district will be incurred because this act creates a new crime or  
38 infraction, eliminates a crime or infraction, or changes the  
39 penalty for a crime or infraction, within the meaning of Section  
40 17556 of the Government Code, or changes the definition of a



- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

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